

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAHSAUN WASHINGTON,

Petitioner,

-against-

S. WALKER, Warden at R.N.D.C. C-74,

Respondent.

1:22-CV-6565 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated October 26, 2022, the Court recharacterized this *pro se habeas corpus* action as brought under 28 U.S.C. § 2241, and granted Petitioner 60 days' leave to inform the Court of whether he intends to withdraw his petition or to file an amended petition. That order specified that failure to comply would result in the original petition's designation as a Section 2241 petition, and in the denial of that petition. Petitioner has neither informed the Court as to whether he intends to withdraw, nor filed an amended petition. Accordingly, the Court designates the original petition as a Section 2241 petition, and the Court denies that petition without prejudice.

Because the original petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment.

SO ORDERED.

Dated: February 2, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge